REMARKS

Responsive to the Office Action mailed June 1, 2006, Applicants provide the following. The claims have not been amended and therefore, twenty-four (24) claims remain pending in the application: claims 1-24. Reconsideration of claims 1-24 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Double Patenting

Claims 1-24 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,769,130 (Getsin et al., referred to below as the '130 patent) in view of U.S. Patent No. 5,978,835 (Ludwig et al.); and over claims 1-18 of U.S. Patent No. 6,941,383 (Getsin et al., referred to below as the '383 patent) in view of the Ludwig patent.

Claims 1-24 have further been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent Application Serial No. 10/880,272 (Getsin et al., referred to below as the '272 application) in view of the Ludwig patent.

Applicants respectfully traverse the rejections and provisional rejection, and submit that claims 1-24 are not obvious in view of the combinations of the '130 patent and Ludwig patent, the '383 patent and Ludwig patent, or the '272 application and the Ludwig patent. Claim 1, for example, recites in part "providing an event stored in memory on at least one of the client apparatuses ... and allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback." The office action indicates that the '130, '383 patents and the '272 application do not teach at least "history information can be downloaded for playback after the

simultaneous playback" (office action, page 3). The Ludwig patent, however, does not describe at least recording content and timing information to be downloaded for playback with an event stored in memory on a client apparatus. Instead, Ludwig specifically requires all content from all parties to be recorded, including recording the playback of any local content played during the conference call, and all the recorded content be played back. Ludwig does not describe downloading content and timing information for playback with a locally stored event. Specifically, the Ludwig patent recites:

> recording (storage) capabilities are preferably provided for audio and video of all parties, and also for all shared windows, including any telepointing and annotations provided during the teleconference. Using the multimedia synchronization facilities described above, these capabilities are provided in a way such that they can be replayed with accurate correspondence in time to the recorded audio and video, such as by synchronizing to frame numbers or time code events (Ludwig, col. 33, lines 45-40, emphasis added).

The Ludwig patent requires that all content (i.e., audio and video, shared windows, telepointing and annotations) be recorded for later playback. Ludwig does not describe or suggest at least the recording of content and timing and allowing the downloading of content and timing information to be playback with locally stored event on the client apparatus as recited in claim 1. Therefore, Applicants respectfully request that the double patenting rejections and provisional double patenting rejection be withdrawn.

Further, in "Amendment H" filed May 16, 2006, Applicants responded to this double patenting rejection, in part, by traversing the rejections of all claims 1-24. The present office action mailed June 1, 2006, fails to take note of the arguments with regard to claims 1-24, and fails to answer the substance of the arguments. As set forth at MPEP § 707.07(f), "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." The rejections of the office action mailed February 14, 2006 were maintained in present final office action and the pending office action fails to take note of and answer the substance of Applicants' arguments as actually presented in their response filed May 16, 2006, repeated above. Therefore, Applicants submit that the pending office action errs in maintaining the rejections of the subject matter for claims 1-

24 at least based on double patenting, and further, the finality of the office action is in err because the pending office action fails to "take note of Applicants' arguments or answer the substance of it.

Claim Rejections - 35 U.S.C. 103

1. Claims 1-24 stand rejected under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,161,132 (Roberts et al.) in view of the Ludwig patent. Applicants respectfully traverse these rejections in that the combination of the Roberts and Ludwig patents fails to describe every element of claims 1-24.

More specifically, all of the limitations of at least claims 1, 7, 13 and 19 are not taught by the combination of the Ludwig patent and the Roberts patent. For example, claim 1 as described above recites in part "providing an event stored in memory on at least one of the client apparatuses ... and allowing the content and timing information to be downloaded utilizing the network for playback of said event and said downloaded content and timing information after the simultaneous playback." The office action states that the Roberts patent does not disclose "storing content and timing information transmitted during the simultaneous playback ... and allowing the content and timing information to be downloaded ... for playback of said event and said downloaded content and timing information..." (office action, page 6), and relies on the Ludwig patent citing column 33, lines 45-50.

Ludwig at column 33, lines 45-50, however, as demonstrated above requires that all content (i.e., audio and video, shared windows, telepointing and annotations) be recorded for later playback. Ludwig does not describe or suggest at least the recording of content and timing and allowing the downloading of the recorded content and timing information for playback with the locally stored event. Instead, Ludwig requires the recording of all real time audio and video from all parties along with all shared windows to allow for later playback.

Even if one were to try and combine Ludwig with Roberts, the combination would not result in a system as recited by claim 1. Instead, at best the combination if, arguendo one skilled in the art would combine Roberts with Ludwig, would result in the recording of all the

audio played back from a CD and all chat content of Roberts. The entire recording of the chat session (i.e., all CD audio and chat content) would be accessed for replay, and would not reference any locally stored content as all content would be recorded and there would be no reason to reference local content. Ludwig does not describe or suggest the playing back with locally stored content and instead teaches away from playing back with locally stored content because Ludwig requires the recording of all content. Therefore, the combination of Roberts and Ludwig fails to describe every element of at least claim 1, and thus, claim 1 is not obvious over the applied combination.

Additionally, Applicants respectfully submit that one skilled in the art would not combine the Ludwig patent with the Roberts patent. MPEP section 2143 provides that:

"To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" (MPEP §2143). "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (MPEP §2143.01).

One skilled in the art would not combine the Ludwig patent with the Roberts patent in that the combination would defeats the main objective of the Roberts patent in providing an interactive experience for the consumer "such that the consumer can also be a creator of the experience" (Roberts, col. 1, lns. 63-65), since at best the combination would produce a prerecorded chat session where the consumer cannot participate in an interactive experience and cannot communicate nor interact with others. The Roberts patent describes a chat session that allows a user to interactively participate in the chat session where all of the users have some control over the playback of the audio recording during the chat session (see at least, col. 8, lns. 3-4). As such, the Roberts patent teaches away from storing timing information and content, and playing back the content and timing information with the locally stored event since this would result in a prerecorded chat session where the users would not be able to interact and would have no control over the chat session, and would thus defeat the main objective of the Roberts patent to "provide computer programs, systems, and protocols which allows such complementary entertainment to

be meaningfully interactive for the consumer, such that the consumer can also be a creator of the experience" (col. 1, lns. 61-65). Therefore, one skilled in the art would not combine the Roberts and Ludwig patents.

Independent claims 7, 13 and 19 include similar claim languages as that of claim 1 regarding the allowing of content and timing information to be downloaded and played back with the event at the client apparatus. Therefore, at least claims 7, 13 and 19 are also not obvious in view of the Roberts and Ludwig combination, and Applicants respectfully request the rejection be withdrawn.

Claims 2-6, 8-12, 14-18 and 20-24 depend from claims 1, 7, 13 and 19, respectively. Therefore, claims 2-6, 8-12, 14-18 and 20-24 are also not obvious in view of the combination of references due at least to their dependency on allowable claims.

Rebuttal to Reponses of Applicants' Arguments

The pending office action, in response Applicants' arguments, states that "one cannot show nonobviousness by attacking references individually where the rejections are based on the combination of references" (office action, pg. 9). However, Applicants respectfully submit that the arguments previously presented and currently presented do not attack only the Ludwig reference, and instead present arguments regarding the combination of the Ludwig and Robertson patent. The arguments made in regard to the Ludwig patent apply to the combination, and more specifically to the portion of the patent, the storing of the phone conferencing session, that the Examiner pointed to in suggesting that the combination of the Ludwig and Robertson patent render claims 1-24 obvious. Therefore, the arguments presented by Applicants addressed the combination of the references and did not attack a single reference.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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